UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/764,146	01/15/2004	Donald Royce Patterson		8143

7590 02/12/2007		EXAMINER
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	ART UNIT	PAPER NUMBER
	3749	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
30 DAYS	02/12/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

PTOL-90A (Rev. 10/06)

	Application No.	Applicant(s)
Notice of Non-Compliant Amendment (37 CFR 1.121)	10/764,146	PATTERSON, DONALD ROYCE
	Examiner	Art Unit	
	Gregory A. Wilson	3749	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The amendment document filed on <u>28 November 2005</u> is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121 or 1.4. In order for the amendment document to be compliant, correction of the following item(s) is required.

THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

☒ 1. Amendments to the specification:
    ☐ A. Amended paragraph(s) do not include markings.
    ☐ B. New paragraph(s) should not be underlined.
    ☒ C. Other *See Continuation Sheet*.

☐ 2. Abstract:
    ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
    ☐ B. Other _____.

☐ 3. Amendments to the drawings:
    ☐ A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).
    ☐ B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.
    ☐ C. Other _____.

☒ 4. Amendments to the claims:
    ☐ A. A complete listing of all of the claims is not present.
    ☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
    ☐ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).
    ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
    ☒ E. Other: *See Continuation Sheet*.

☐ 5. Other (e.g., the amendment is unsigned or not signed in accordance with 37 CFR 1.4):
_____

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714.

TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:

1. Applicant is given **no new time period** if the non-compliant amendment is an after-final amendment or an amendment filed after allowance. If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the **entire corrected amendment** must be resubmitted.

2. Applicant is given **one month**, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the correction, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a *Quayle* action. If any of above boxes 1. to 4. are checked, the correction required is only the **corrected section** of the non-compliant amendment in compliance with 37 CFR 1.121.

    <u>Extensions of time</u> are available under 37 CFR 1.136(a) <u>only</u> if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action.

    <u>Failure to timely respond</u> to this notice will result in:
        Abandonment of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action; or
        Non-entry of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.

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Legal Instruments Examiner (LIE), if applicable		Telephone No.

Notice of Non-Compliant Amendment (37 CFR 1.121)

Continuation of 1(c) Other: § 1.121 Manner of making amendments in applications.
(a)   Amendments in applications, other than reissue applications. Amendments
in applications, other than reissue applications, are made by filing a paper, in
compliance with § 1.52, directing that specified amendments be made.
(b)   Specification . Amendments to the specification, other than the claims,
computer listings (§ 1.96) and sequence listings (§ 1.825), must be made by
adding, deleting or replacing a paragraph, by replacing a section, or by a
substitute specification, in the manner specified in this section.
(1)   Amendment to delete, replace, or add a paragraph . Amendments to the
specification, including amendment to a section heading or the title of
the invention which are considered for amendment purposes to be an
amendment of a paragraph, must be made by submitting:
(i)   An instruction, which unambiguously identifies the location, to delete one
or more paragraphs of the specification, replace a paragraph with one or
more replacement paragraphs, or add one or more paragraphs;
(ii)   The full text of any replacement paragraph with markings to show all the
changes relative to the previous version of the paragraph. The text of any
added subject matter must be shown by underlining the added text. The
text of any deleted matter must be shown by strike-through except that
double brackets placed before and after the deleted characters may be
used to show deletion of five or fewer consecutive characters. The text of
any deleted subject matter must be shown by being placed within double
brackets if strikethrough cannot be easily perceived;
(iii)   The full text of any added paragraphs without any underlining; and
(iv)   The text of a paragraph to be deleted must not be presented with
strike-through or placed within double brackets. The instruction to delete
may identify a paragraph by its paragraph number or include a few words
from the beginning, and end, of the paragraph, if needed for paragraph
identification purposes.
(2)   Amendment by replacement section . If the sections of the specification
contain section headings as provided in § 1.77(b), § 1.154(b), or § 1.163(c),
amendments to the specification, other than the claims, may be made by
submitting:
(i)   A reference to the section heading along with an instruction, which
unambiguously identifies the location, to delete that section of the
specification and to replace such deleted section with a replacement
section; and;
(ii)   A replacement section with markings to show all changes relative
to the previous version of the section. The text of any added subject
matter must be shown by underlining the added text. The text of any
deleted matter must be shown by strike-through except that double
brackets placed before and after the deleted characters may be used to
show deletion of five or fewer consecutive characters. The text of any
deleted subject matter must be shown by being placed within double
brackets if strike-through cannot be easily perceived.
(3)   Amendment by substitute specification . The specification, other than the
claims, may also be amended by submitting:
(i)   An instruction to replace the specification; and
(ii)   A substitute specification in compliance with §§ 1.125(b) and (c).
(4)   Reinstatement of previously deleted paragraph or section . A previously
deleted paragraph or section may be reinstated only by a subsequent
amendment adding the previously deleted paragraph or section.
(5)   Presentation in subsequent amendment document . Once a paragraph
or section is amended in a first amendment document, the paragraph or
section shall not be represented in a subsequent amendment document unless
it is amended again or a substitute specification is provided..

Continuation of 4(e) Other: Claims . Amendments to a claim must be made by rewriting the entire claim with
all changes (e.g., additions and deletions) as indicated in this subsection, except
when the claim is being canceled. Each amendment document that includes a
change to an existing claim, cancellation of an existing claim or addition of a new
claim, must include a complete listing of all claims ever presented, including the text
of all pending and withdrawn claims, in the application. The claim listing, including
the text of the claims, in the amendment document will serve to replace all prior
versions of the claims, in the application. In the claim listing, the status of every

claim must be indicated after its claim number by using one of the following identifiers in a parenthetical expression: (Original), (Currently amended), (Canceled), (Withdrawn), (Previously presented), (New), and (Not entered).

(1)   Claim listing. All of the claims presented in a claim listing shall be presented in ascending numerical order. Consecutive claims having the same status of "canceled" or "not entered" may be aggregated into one statement (e.g., Claims 1-5 (canceled)). The claim listing shall commence on a separate sheet of the amendment document and the sheet(s) that contain the text of any part of the claims shall not contain any other part of the amendment.

(2)   When claim text with markings is required. All claims being currently amended in an amendment paper shall be presented in the claim listing, indicate a status of "currently amended," and be submitted with markings to indicate the changes that have been made relative to the immediate prior version of the claims. The text of any added subject matter must be shown by underlining the added text. The text of any deleted matter must be shown by strike-through except that double brackets placed before and after the deleted characters may be used to show deletion of five or fewer consecutive characters. The text of any deleted subject matter must be shown by being placed within double brackets if strike-through cannot be easily perceived.   Only claims having the status of "currently amended," or "withdrawn" if also being amended, shall include markings. If a withdrawn claim is currently amended, its status in the claim listing may be identified as "withdrawn-currently amended."

(3)   When claim text in clean version is required. The text of all pending claims not being currently amended shall be presented in the claim listing in clean version, i.e., without any markings in the presentation of text. The presentation of a clean version of any claim having the status of "original," "withdrawn" or "previously presented" will constitute an assertion that it has not been changed relative to the immediate prior version, except to omit markings that may have been present in the immediate prior version of the claims of the status of "withdrawn" or "previously presented." Any claim added by amendment must be indicated with the status of "new" and presented in clean version, i.e., without any underlining.

(4)   When claim text shall not be presented; canceling a claim.

(i)   No claim text shall be presented for any claim in the claim listing with the status of "canceled" or "not entered."

(ii)   Cancellation of a claim shall be effected by an instruction to cancel a particular claim number. Identifying the status of a claim in the claim listing as "canceled" will constitute an instruction to cancel the claim.

(5)   Reinstatement of previously canceled claim. A claim which was previously canceled may be reinstated only by adding the claim as a "new" claim with a new claim number..